

**ENTERED**

March 17, 2017

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

NAUTILUS INSURANCE COMPANY, §  
§  
Plaintiff, §  
§  
v. § CIVIL ACTION NO. H-16-2881  
§  
DARWIN VARGAS d/b/a HOUSTON STAR §  
SECURITY PATROL, *et al.* §  
§  
Defendants. §

**FINAL JUDGMENT**

For the reasons stated in detail on the record at the hearing of today's date, the motion for summary judgment filed by the defendant, Irma Miranda-Mondragon, (Docket Entry No. 14), is denied. The cross-motion for summary judgment filed by the plaintiff, Nautilus Insurance Company, (Docket Entry No. 15), is granted. Based on the record evidence, including the insurance policy, and the undisputed facts showing the lack of timely notice by the insured of the underlying suit until 40 days after default was granted and as to the assault that gave rise to the underlying suit, the court enters declaratory judgment for the plaintiff, Nautilus Insurance Company, as follows:

- (1) Plaintiff Nautilus Insurance Company had no duty to defend the underlying suit against defendant Houston Star Security Patrol or to indemnify Houston Star Security Patrol for the default judgment.
- (2) Defendant Irma Miranda-Mondragon cannot recover against Nautilus Insurance Company because Houston Star Security Patrol failed to provide timely notice of the lawsuit against it and because the claims in the underlying lawsuit are excluded from policy coverage.

Each party is to bear its own costs. This is a final judgment.

SIGNED on March 17, 2017, at Houston, Texas.

  
\_\_\_\_\_  
Lee H. Rosenthal  
Chief United States District Judge